

Assembly Bill No. 528

Passed the Assembly September 2, 2003

Chief Clerk of the Assembly

Passed the Senate August 27, 2003

Secretary of the Senate

This bill was received by the Governor this _____ day of
_____, 2003, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to amend Section 1569.2 of, and to add Section 1569.7 to, the Health and Safety Code, relating to Alzheimer's disease.

LEGISLATIVE COUNSEL'S DIGEST

AB 528, Mullin. Alzheimer's disease: dementia: residential care facilities for the elderly.

Existing law provides for the licensure and regulation of residential care facilities for the elderly by the State Department of Social Services. Existing law requires the director of the department to adopt regulations for these facilities.

This bill would provide that residential care facilities for the elderly that serve residents with Alzheimer's disease and other forms of dementia should include information on sundowning as part of the training for direct care staff, and should include in the plan of operation a description explaining activities that are available for residents to decrease the effects of sundowning, including, but not limited to, increasing outdoor activities in appropriate weather conditions. This bill would define sundowning to mean a condition in which persons with cognitive impairment experience recurring confusion, disorientation, and increasing levels of agitation that coincide with the onset of late afternoon and early evening.

The people of the State of California do enact as follows:

SECTION 1. The Legislature finds and declares the following:

(a) Alzheimer's disease is a devastating disease that destroys certain vital cells of the brain, and affects more than 1,500,000 Americans.

(b) Alzheimer's disease and related disorders are responsible for 50 percent of all nursing home admissions and Alzheimer's disease is the fourth leading cause of death in adults.

(c) Alzheimer's disease has serious emotional, financial, and social consequences for its victims and their families.

(d) It is important to provide for the best quality of life for those affected by this disease by providing activities that are adapted for



the unique needs of persons with Alzheimer’s disease and other forms of dementia, including activities designed to decrease the effects of sundowning. With less light, these individuals may lose visual clues that help them compensate for their sensory impairments.

SEC. 2. Section 1569.2 of the Health and Safety Code is amended to read:

1569.2. As used in this chapter:

(a) “Administrator” means the individual designated by the licensee to act on behalf of the licensee in the overall management of the facility. The licensee, if an individual, and the administrator may be one and the same person.

(b) “Care and supervision” means the facility assumes responsibility for, or provides or promises to provide in the future, ongoing assistance with activities of daily living without which the resident’s physical health, mental health, safety, or welfare would be endangered. Assistance includes assistance with taking medications, money management, or personal care.

(c) “Department” means the State Department of Social Services.

(d) “Director” means the Director of Social Services.

(e) “Health-related services” mean services that shall be directly provided by an appropriate skilled professional, including a registered nurse, licensed vocational nurse, physical therapist, or occupational therapist.

(f) “Instrumental activities of daily living” means any of the following: housework, meals, laundry, taking of medication, money management, appropriate transportation, correspondence, telephoning, and related tasks.

(g) “License” means a basic permit to operate a residential care facility for the elderly.

(h) “Personal activities of daily living” means any of the following: dressing, feeding, toileting, bathing, grooming, and mobility and associated tasks.

(i) “Personal care” means assistance with personal activities of daily living, to help provide for and maintain physical and psychosocial comfort.

(j) “Protective supervision” means observing and assisting confused residents, including persons with dementia, to safeguard them against injury.



(k) “Residential care facility for the elderly” means a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, or personal care are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Section 1569.316.

This subdivision shall be operative only until the enactment of legislation implementing the three levels of care in residential care facilities for the elderly pursuant to Section 1569.70.

(l) “Residential care facility for the elderly” means a housing arrangement chosen voluntarily by persons 60 years of age or over, or their authorized representative, where varying levels and intensities of care and supervision, protective supervision, personal care, or health-related services are provided, based upon their varying needs, as determined in order to be admitted and to remain in the facility. Persons under 60 years of age with compatible needs may be allowed to be admitted or retained in a residential care facility for the elderly as specified in Section 1569.316.

This subdivision shall become operative upon the enactment of legislation implementing the three levels of care in residential care facilities for the elderly pursuant to Section 1569.70.

(m) “Sundowning” means a condition in which persons with cognitive impairment experience recurring confusion, disorientation, and increasing levels of agitation that coincide with the onset of late afternoon and early evening.

(n) “Supportive services” means resources available to the resident in the community that help to maintain their functional ability and meet their needs as identified in the individual resident assessment. Supportive services may include any of the following: medical, dental, and other health care services; transportation; recreational and leisure activities; social services; and counseling services.

SEC. 3. Section 1569.7 is added to the Health and Safety Code, to read:

1569.7. Residential care facilities for the elderly that serve residents with Alzheimer’s disease and other forms of dementia



should include information on sundowning as part of the training for direct care staff, and should include in the plan of operation a brief narrative description explaining activities available for residents to decrease the effects of sundowning, including, but not limited to, increasing outdoor activities in appropriate weather conditions.



Approved _____, 2003

Governor

